

BARROW

CIVIL DOCKET
UNITED STATES DISTRICT COURT

Jury demand date:

D. C. Form No. 106A Rev.

TITLE OF CASE	ATTORNEYS
<p>DORIS ANN WHITETAIL PARKER and ETHEL ARLENE WHITETAIL ACHTERBERG</p> <p>VS</p> <p>JOHN PAPPAN, SUPERINTENDANT OF THE OSAGE INDIAN AGENCY, CECIL WOOD, FIELD SOLICITOR OF THE OSAGE INDIAN AGENCY, RAYMOND L. SANFORD, REGIONAL SOLICITOR OF THE DEPARTMENT OF THE INTERIOR AND FRED J. RUSSELL, ACTING SECRETARY OF THE INTERIOR</p> <p>Raymond Red Corn, Harold Red Corn, Thelma Tucker, Alex Pappin and Garney Cannon, - applicants for intervention</p> <p style="text-align: center;">Intervenor Loretta LaPuma, / applicant for interven- tion Attys: Tillman, Heskett & Heskett 337 Price Tower Bartlesville, Okla 74003</p>	<p>For plaintiff: Shockley Shoemake Shoemake & Briggs 205 Triangle Building Pawhuska, Oklahoma 74056</p> <p>For defendant: 257-4185 Kelly & Gambill (Bruce W. Gambill) 6th & Kihekah Pawhuska, Okla 74056 (for Intervenor) Nathan G. Graham (Bob Santee) Robert P. Santee 460 U.S. Courthouse, Tulsa 74103</p>

STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed 1-1-71	Clerk	12-4-70	Briggs	15 00	15 00
J.S. 6 mailed 8-1-73	Marshal	12-10-70	C.D. 26		
Basis of Action: Judicial Review of the Sec. of the Interior & Relief based upon Review Action arose at:	Docket fee				
	Witness fees				
	Depositions				

DATE	PROCEEDINGS	Date Order or Judgment Noted
12-4-70	Complaint filed. Summons issued. v	
12-10-70	Summons, returned & filed: served John Pappan, Supt. of Osage Indian Agency and Cecil Wood, Field Solicitor, at Pawhuska, Ok. 12-4-70, (USM \$18.96); served Raymond L. Sanford, Regional Solicitor, & Fred J. Russell, Acting Secy. of Interior, at Wash. D. C. by certified mail on 12-4-70 (USM \$6.00)g	
1-19-71	Defendant's motion to intervene (Raymond Red Corn, Harold Red Corn, Thelma Tucker, Alex Pappin and Garney Cannon) filed. ds	
1-19-71	Brief in support of motion to intervene, filed. ds	(w/ proposed Ans. attached)
1-19-71	Ordered by the court that both plaintiff and defendant file responsive briefs to defendant's motion to intervene. (AEB-J) ds	
1-29-71	Pltfs' motion for extension of time to file responsive brief, with brief in support, filed. m	
2-2-71	Letter of U. S. Attorney, filed. ds	
2-24-71	Motion to Dismiss of the defendant filed. (with brief)h	
2-24-71	It is ordered that plaintiff required to respond to def's motion to dismiss within 10 days.(AEB-J)h letters mailed.	
3-4-71	Application for extension of time to file brief, filed. ds Brief in support attached.	
3-5-71	Summons issued at request of Shoemake & Briggs to Attorney General U. S. District attorney for the Northern District of Oklahoma. ds	
3-11-71	Returns on summons, filed. Served U.S. Atty. for this Dist. on 3-9-71 & mailed by cert. mail to Atty. Gen. of U.S. on 3-9-71. (Fees: \$3.00)m	
4-21-71	Order overruling Plaintiff's Motion for extension of time and said motion if now moot. (AEB-J)r Filed. <i>marked with copy</i>	
4-21-71	Order overruling Defendants' Motion to Dismiss and that Defts respond to Plaintiffs' complaint within 20 days from this date. Filed. (AEB-J)r <i>marked with copy</i>	
4-22-71	Order allowing parties to intervene. Further ordered that intervenors file their petition in intervention within 5 days from this date. Filed. (AEB-J)r <i>marked with copy</i>	
4-26-71	Answer and intervention of applicants for intervention, filed. ds	
5-5-71	Answer of defts. John Pappan, Supt, etc.; Cecil Wood, Field Solicitor; Raymond L. Sanford, Regional Solicitor; and Fred J. Russell, Acting Secretary, filed. m	
5-7-71	Motion of complainants to strike answer and for judgment by default, filed. ds	
5-7-71	Ordered by the court that defendants reply to plaintiffs' motion to strike answer and for judgment by default with a responsive brief within ten days of this date. (AEB-J) ds	
5-11-71	Answer brief to complainants motion to strike answer and for judgment by default, filed. ds	
5-12-71	Response to Motion to Strike answer and for Judgement by Default, filed. js	
8-30-71	Order Overruling Plaintiffs' motion to strike answer and for judgment by default filed. (AEB-J)h <i>copies mailed</i>	
12-8-71	Parties directed to hold pre-trial prior to 1-12-72 and file pre-trial order not later than 1-19-72. (AEB-J)m	
12-22-71	Motion for summary judgment, filed by intervenor. ds	
12-22-71	Brief of intervenors in support of motion for summary judgment, filed. ds <i>Response requested</i>	
1-3-72	Answer brief of intervenors plaintiffs' motion to strike or require motion for summary judgment to be made definite, filed. ds	

DATE	PROCEEDINGS	Date Order or Judgment Noted
1-3-72	Motion of defs. for Enlargement of Time from 1/3/72 to and inc. 2/3/72, to reply to Intervenor's motion for summary judgment, filed. rm	
1-3-72	Brief in support of motion for enlargement of time, filed. rm <i>(order to J.)</i>	
1-4-72	Motion of Loretta LaPuma to intervene, filed.	
1-4-72	Brief in support of motion, filed. ds	
1-4-72	Ordered by the court that parties respond to motion to intervene of Loretta LaPuma with a responsive brief within ten days. (AEB-J) ds	
1-7-72	Objection to motion to intervention, filed. ds	
1-7-72	Brief in support of objection, filed. ds	
1-13-72	Order that the defts are granted an enlargement of time within which to reply to Intervenor's Motion for S/J from 1-3-72 to and including 2-3-72, filed. (AEB-J)r (Copies Mailed to attys)	
1-17-72	Response of the Deft.s to Motion to Intervene, filed. v	
1-24-72	Motion for order to strike or to require motion for summary judgment to be made more definite, with brief attached, filed. ds	
1-24-72	Application to set aside pretrial order, filed. ds <i>ought to be denied</i>	
1-24-72	Ordered by the court that defendants reply to motion and application of plaintiff within ten days of this date with a responsive brief. (AEB-J) ds	
1-25-72	Intervenor's motion to dismiss, filed. ds	
1-25-72	Ordered by the court that parties respond to Intervenor's motion to dismiss with a responsive brief within ten days of this date. (AEB-J) ds	
1-25-72	Order sustaining complainants' application to set aside pre-trial order, filed. (AEB-J)hm (copies mailed)	
1-26-72	Plaintiff's response to motion to dismiss, filed. ds Brief attached. <i>sent to mailman</i>	
1-27-72	Plaintiff's supplementary response to Intervenor's motion to dismiss, filed. Brief attached. ds <i>sent to mailman</i>	
1-27-72	Response to plaintiffs' motion for order to strike or to require motion for summary judgment to be made more certain, filed. ds <i>sent to mailman</i>	
1-31-72	Complainants' waiver of objection and motion for order authorizing filing of briefs, with brief in support of motion, filed. hm	
2-3-72	Brief of Deft.s in Support of Intervenor's Motion for Summary Judgment, filed. v	
4-10-72	Appellants' Supplemental Motion to Strike Appl for S/J, filed, w/ Brief attached. Filed. r (no letter written per M.C.)	
4-24-72	Application for the issuance of permanent injunction restraining the enforcement, operation and execution of an act of Congress and an order purporting to be that of the Secretary of the Interior based upon said act upon the ground of the repugnance to the Constitution of the United States of such act, with brief attached, filed. ds	
4-24-72	Ordered by the court that defendant and intervenors reply to above application within ten days of this date. (AEB-J) ds	
5-2-72	Intervenor's brief in opposition to convening three judge court and injunction, filed. ds	
5-2-72	Defendants response to application for issuance of permanent injunction, filed. g	
5-3-72	Intervenor's brief in response to plaintiff's application for the issuance of a permanent injunction, filed. ds	
5-5-72	Intervenor's answer brief to supplemental motion to strike application for S/J, filed. hm	
5-8-72	Obj. & Mo. to dismiss appl. for perm. inj. of intervenors, filed. rm	
5-8-72	Addendum to brief in opposition to appl. for perm. injunction by intervenors. <i>filed</i>	

DATE	PROCEEDINGS	Date Order or Judgment Noted
5-8-72	Motion of appellants (pltfs.) for summary judgment and brief, filed. rm	
5-15-72	Intervenors answer brief to complainants' motion for summary judgment, filed. ds	
5-15-72	Ordered that Magistrate conduct hearing on intervenor's motion for S/J, motion of Loreta LaPuma to intervene, objection to motion to intervene, appellants' motion for order to strike or to require motion for S/J to be made more definite, intervenor's motion to dismiss, complainants' waiver of objection and motion for order authorizing filing of briefs, appellants' supplemental motion to strike application for S/J & appellants' application for issuance of permanent injunction. (AEB-J)hm	
5-15-72	Case called for hearing on above motions. Motion of Loreta LaPuma to intervene is sustained & intervenor given 15 days to file brief. Jack Heskett to prepare findings & recommendations within 5 days. All other motions passed to next motion docket. (MLB-Mag)hm	
5-18-72	Findings and Recommendations of Magistrate, filed. Intervenor, Loretta La Puma's motion to intervene should be sustained and intervenor given 15 days to further plead. (MLB-Mag.)rm - copies mailed	
6-6-72	Order, that recommendations of Magistrate are approved, that Loretta La Puma's motion to intervene is sustained, filed. (AEB-J)hm (copies mailed)	
6-14-72	Answer in intervention of Intervenor, Loretta La Puma, filed. ds	
6-20-72	Answer in intervention to intervenor Loretta La Puma, filed. hm	
6-22-72	Supplement to motion of pltf. for summary judgment, and suppl. motion opposing mo. for SJ of intervenors, filed. rm	
10-11-72	Motion of plaintiff to amend complaint, filed. ds - brief attached.	
10-11-72	Ordered by the Court that defendants reply to plaintiff's motion to amend complaint with a responsive brief within ten days of this date, (AEB-J) ds	
10-11-72	Mo. of pltf. objecting to decision on basis of SJ, req. review of case, & req. order of Ct. authorizing & requiring briefing of case upon basis of entire record, w/brief in support thereof, filed. rm	
10-11-72	Ordered that defs. are granted 10 days in which to respond to pltfs. above motion. (AEB-J)rm - ltr written	
10-18-72	Reply to Plaintiff's Motion to Amend the Body of Its Complaint, filed by Loretta La Puma, Intervenor. v -copies mailed.	
10-18-72	Response by Loretta La Puma to Plaintiff's Motion Objecting to Decision on basis of summary judgment, requesting review of case, requesting order of court authorizing and requiring briefing of case upon basis of entire record, filed. v -copies mailed.	
10-19-72	Response of govt. defs. to mo. objecting to decision on basis of SJ, etc., filed. rm	
10-19-72	Response of govt. defs. to mo. to amend pleadings, filed. rm	
10-24-72	Brief of intervenors to plaintiff's motion to amend and objection to summary judgment, filed. ds <i>Copy to Marilyn</i>	
10-24-72	Answer to response to motion to amend pleadings, filed. ds - copy to Marilyn Cont.	

D. C. 110A Rev. Civil Docket Continuation

DATE	PROCEEDINGS	Date Order or Judgment Noted
11-13-72	Plaintiff's application for making of special findings, filed. ds (Copy to Marilyn)	
7-10-73	Findings of Fact and Conclusions of law, filed. (AEB-J)rm	
7-10-73	Order sustaining intervenors' motion for summary judgment and overruling pltfs. motion for summary judgment, filed and entered. (AEB-J)rm (copies mailed)	
7-16-73	Motion for new trial and for reconsideration filed by appellants-plaintiffs.h	
7-30-73	Reply to Complainants' Motion for New Trial and For Reconsideration by Intervenor, Loretta La Puma, filed. v	
8-29-73	Order, filed and entered, overruling complainants mo/new trial and reply. (AEB-J)rm - copies mailed	
1-31-74	Minute Order: Based on the letter of Mr. Jack Heskett of January 17, 1974, which the Court will treat as an application, it is ordered that Mr. Jack Heskett be allowed to withdraw the original transcript, depositions and exhibits that were presented before the Field Solicitor of the Osage Indian Agency for use in the probate case now pending in the District Court of Osage County, Oklahoma, with the proviso that said depositions, exhibits and transcripts be returned to the Osage Indian Agency when their use is no longer required in the District Court of Osage County, Okla. (AEB-J)e <i>Noted on order</i>	

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